

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # _____

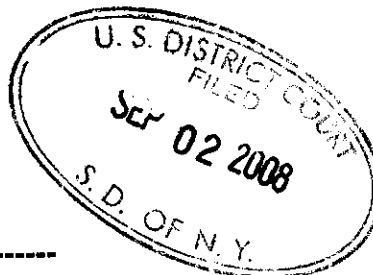
Clerk

USCA NO. _____

SDNY NO. 08cv3274

JUDGE: KMW

DATE: 9/2/2008



-v-

Spitzer et al

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 2nd Day of September, 2008.

**United States District Court for
the Southern District of New York**

Eric Clark

-V-

Spitzer et al

Date: 9/2/2008

U.S.C.A. # _____

U.S.D.C. # 08cv3274

D.C. JUDGE KMW

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 11, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 2nd Day of September In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233rd year.

J. Michael McMahon, Clerk

By



Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-03274-KMW
Internal Use Only

Clark v. Spitzer et al
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Civil Rights Act

Date Filed: 04/01/2008
Date Terminated: 07/14/2008
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/01/2008	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Eric E. Clark.(laq) (Entered: 04/09/2008)
04/01/2008	<u>2</u>	COMPLAINT against Parties Unknown, Kate Jackson, Metropolitan Therapy Group, Elliot Spitzer, G. Pataki, George Ellis, Maria Walton, Alexis Levinio, Dennis Fernandez, Debra Giordano, Padilla. Document filed by Eric E. Clark.(laq) (Entered: 04/09/2008)
04/01/2008	<u>3</u>	30 DAYS ORDER, The Clerk of Court is directed to assign a docket number to this action for the purpose of this order. Plaintiff is directed to comply with the instructions listed within thirty days of the date of this order. Accordingly, plaintiff is directed to comply with the instructions listed within 30 days of the date of this order. Plaintiff's completed and signed PLRA form must be submitted to the Court's Pro Se Office within the time allowed in this order and must bear the same docket number that is listed on the first page of this order. If plaintiff fails to submit a completed and signed PLRA form within the time allowed in this order, this action will be dismissed without prejudice. The Court certifies that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 4/1/08) (laq) (Entered: 04/09/2008)
04/01/2008		Magistrate Judge Kevin N. Fox is so designated. (laq) (Entered: 04/09/2008)
04/22/2008	<u>4</u>	Prisoner Authorization. Document filed by Eric E. Clark. (dj) (Entered: 05/13/2008)
04/22/2008	<u>5</u>	PRISONER AUTHORIZATION request and authorize the agency holding me in custody to send to the Clerk of the United States District Court for the Southern District of New York, a certified copy of my prison account statement for the past six months. Document filed by Eric E. Clark. (jmi) (Entered: 05/19/2008)
05/21/2008	<u>6</u>	MOTION; for an order for the Court to hear on its merits per applicable statutes. Document filed by Eric E. Clark.(pl) (Entered: 05/28/2008)
06/11/2008	<u>7</u>	MOTION for Temporary Restraining Order re: Striking down of condition per Amendments 5 and 14 of the due process clauses of the U.S. Constitution, Condition (law) substantively unconstitutional, abuse of discretion, hearing procedurally unfair and substantively unfair in discretion abuse and from custody, return to my life and whatever the court deems just, proper fair in such relief as this Honorable Court Awards. Document filed by Eric E. Clark.(pl) (Entered: 06/17/2008)
07/08/2008	<u>8</u>	MOTION for appointment of counsel to represent plaintiff in tis action. Document filed by Eric E. Clark.(dle) (Entered: 07/10/2008)
07/14/2008	<u>9</u>	ORDER OF DISMISSAL, Plaintiff's action is dismissed without prejudice. 28 U.S.C 1915(e)(2)(B)(ii). Also, the first and second Orders to Show Cause are denied and Plaintiff's motion is denied as moot. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). SO ORDERED. (Signed by Judge Kimba M. Wood on 7/14/2008) (jmi) (Entered: 07/21/2008)
07/14/2008	<u>10</u>	JUDGMENT that the action is dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's Order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/14/08) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 07/22/2008)
07/14/2008		Mailed notice of Right to Appeal re: <u>10</u> Judgment, to Pro Se Litigant(s): Eric E. Clark. (ama) (Entered: 07/23/2008)
08/15/2008	<u>11</u>	NOTICE OF APPEAL from 9 Order of Dismissal, <u>10</u> Judgment,. Document filed by Eric E. Clark. Copies of Notice of Appeal mailed to attorney(s) of record: Attorney General for the State of New York. (nd) (Entered: 08/28/2008)
08/15/2008		Appeal Remark as to 11 Notice of Appeal filed by Eric E. Clark. IFP REVOKED ON 7/14/2008; \$455.00 APPEAL FILING FEE DUE. (nd) (Entered: 08/28/2008)
08/28/2008		Transmission of Notice of Appeal to the District Judge re: 11 Notice of Appeal. (nd) (Entered: 08/28/2008)
08/28/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 11 Notice of Appeal. (nd) (Entered: 08/28/2008)